

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT CARSWELL,

Plaintiff(s),

CASE NUMBER: 02-73432
HONORABLE VICTORIA A. ROBERTS

v.

KAREN JOHNSON, et al.,

Defendant(s).

**ORDER DENYING APPLICATION
TO PROCEED *IN FORMA PAUPERIS*
ON APPEAL**

On July 19, 2007, the Court denied Plaintiff Robert Carswell's Motion to Transfer Halfway House Rights and Supervised Release Right to Detroit, Michigan. Plaintiff is incarcerated in Inez, Kentucky. He requested that the Court order that he be permitted to serve the remainder of his sentence in a halfway house or under supervised release in Detroit, Michigan. On August 10, 2007, Plaintiff filed a Notice of Appeal of the Court's decision, and he requests that the Court grant him *in forma pauperis* ("IFP") status for the appeal. Plaintiff's request is **DENIED**.

"An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." 28 U.S.C. §1915(a)(3). "[T]o determine that an appeal is in good faith, a court need only find that a reasonable person could suppose that the appeal has some merit." *Walker v O'Brien*, 216 F.3d 626, 632 (7th Cir. 2000); *Penny v Booker*, 2006 W.L. 2008523, *1 (E.D. Mich. 2006)(citing *Walker*).

For the reasons stated in the Court's July 19, 2007 Order, the Court finds that Plaintiff's motion lacks even arguable merit and, therefore, his appeal is not taken in good faith. Plaintiff's request to proceed *in forma pauperis* is **DENIED**.

If Plaintiff wishes to proceed with his appeal, he must either pay the requisite fee or ask the Court of Appeals to grant him IFP status. See Fed. R. App. Procedure 24(a)(5).

IT IS SO ORDERED.

S/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: September 24, 2007

The undersigned certifies that a copy of this document was served on the attorneys of record and pro se plaintiff by electronic means or U.S. Mail on September 24, 2007.

s/Carol A. Pinegar

Deputy Clerk